

*Tuesday, February 7, 1995*

# *Daily Digest*

## Senate

### *Chamber Action*

*Routine Proceedings, pages S2217–S2276*

**Measures Introduced:** Nine bills and one resolution were introduced, as follows: S. 360–368 and S. Con. Res. 5. Pages S2268, S2274

**Balanced Budget Constitutional Amendment:** Senate continued consideration of H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States. Pages S2218–55

**Pending:**

Daschle motion to commit the resolution, with instructions to report back forthwith, with Daschle Amendment No. 231, to require a budget plan before the amendment takes effect.

Pages S2218, S2230–31, S2253–54

Dole Amendment No. 232 (to instructions to commit), to establish that if Congress has not passed a Balanced Budget Amendment to the Constitution by May 1, 1995, within 60 days thereafter, the President shall transmit to Congress a detailed plan to balance the budget by the year 2002. Page S2218

Dole Amendment No. 233 (to Amendment No. 232), in the nature of a substitute. Page S2218

Senate will resume consideration of the resolution on Wednesday, February 8, with a vote on a motion to table the Daschle motion to commit to occur thereon. Page S2217

### **Appointments:**

***Senate Arms Control Observer Group:*** The Chair, on behalf of the Majority Leader, pursuant to S. Res. 105, adopted April 13, 1989, as amended by S. Res. 280, adopted October 8, 1994, announced the following appointments and designations to the Senate Arms Control Observer Group: Senator Stevens as Majority Administrative Co-Chairman; and Senators Thurmond and Lugar as Co-Chairmen for the Majority. Page S2255

***Joint Committee on Taxation:*** The Chair announced, on behalf of the Chairman of the Finance Committee, pursuant to section 8002 of title 26, United States Code, a substitution in the membership of the Joint Committee on Taxation: Senator

Hatch for the duration of the 104th Congress only, in lieu of Senator Dole, resigned. Page S2255

**Messages From the House:** Page S2267

**Measures Referred:** Page S2267

**Communications:** Pages S2267–68

**Statements on Introduced Bills:** Pages S2268–73

**Additional Cosponsors:** Page S2273

**Amendments Submitted:** Page S2274

**Additional Statements:** Pages S2274–76

**Recess:** Senate convened at 10 a.m., and recessed at 6:19 p.m., until 9:15 a.m., on Wednesday, February 8, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S2276.)

### *Committee Meetings*

*(Committees not listed did not meet)*

#### **TAX POLICY REFORMS FOR AGRICULTURE**

***Committee on Agriculture, Nutrition, and Forestry:*** Committee held hearings to examine what tax policy reforms will help strengthen American agriculture and agribusiness, receiving testimony from Senators Burns, Pressler, Kohl, and Dorgan; Keith Collins, Acting Chief Economist, Department of Agriculture; Andy Biebl, Biebl, Ranweiler, and Company Charter, New Ulm, Minnesota; Alan Reynolds, Hudson Institute, Washington, D.C.; William Sprague, Kentucky Farm Bureau, Sturgis, on behalf of the American Farm Bureau Federation; Phyllis Gardner, Max, Nebraska, on behalf of the National Cattlemen's Association; Pierce Miller, San Angelo, Texas, on behalf of the American Sheep Industry Association; Roger Hadley, Indiana Soybean Association, Woodburn, on behalf of the American Soybean Association; and John Dean, Glenwood State Bank, Glenwood, Iowa, on behalf of the Independent Bankers Association of America.

Committee will meet again on Tuesday, February 14.

**NATIONAL SECURITY**

*Committee on Armed Services:* Committee held hearings to examine United States national security strategy issues, receiving testimony from Hans Dinnendijk, Director, Institute for National Security Studies, National Defense University, Department of Defense; Dov Zakheim, SPC International, Arlington, Virginia; and Paul Wolfowitz, Johns Hopkins University Paul H. Nitze School of Advanced International Studies, Washington, D.C.

Hearings were recessed subject to call.

**PRESIDENT'S ECONOMIC PLAN**

*Committee on the Budget:* Committee held hearings to examine the current national economic situation and the President's proposed budget request for fiscal year 1996, receiving testimony from Robert E. Rubin, Secretary of the Treasury; and Laura D'Andrea Tyson, Chair, Council of Economic Advisers.

Hearings continue tomorrow.

**SUBCOMMITTEE ASSIGNMENTS**

*Committee on Environment and Public Works:* Committee made the following subcommittee assignments:

*Subcommittee on Transportation and Infrastructure:* Senators Warner (Chairman), Smith, Kempthorne, Bond, Faircloth, Baucus, Moynihan, Reid, and Graham.

*Subcommittee on Superfund, Waste Control, and Risk Assessment:* Senators Smith (Chairman), Warner, Inhofe, McConnell, Lautenberg, Moynihan, and Boxer.

*Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety:* Senators Faircloth (Chairman), Inhofe, Thomas, McConnell, Graham, Lieberman, and Boxer.

*Subcommittee on Drinking Water, Fisheries, and Wildlife:* Senators Kempthorne (Chairman), Faircloth, Thomas, Bond, Warner, Reid, Lautenberg, Lieberman, and Boxer.

**SUBCOMMITTEE MEMBERSHIP**

*Committee on Foreign Relations:* Committee announced the following subcommittee assignments:

*Subcommittee on European Affairs:* Senators Lugar (Chair), Kassebaum, Brown, Snowe, Thompson, Biden, Pell, Sarbanes, and Feingold.

*Subcommittee on African Affairs:* Senators Kassebaum (Chair), Snowe, Ashcroft, Feingold, and Feinstein.

*Subcommittee on Near Eastern and South Asian Affairs:* Senators Brown (Chair), Snowe, Thompson, Thomas, Grams, Feinstein, Sarbanes, Kerry, and Robb.

*Subcommittee on Western Hemisphere and Peace Corps Affairs:* Senators Coverdell (Chair), Helms, Lugar, Thompson, Dodd, Pell, and Robb.

*Subcommittee on International Operations:* Senators Snowe (Chair), Helms, Brown, Coverdell, Ashcroft, Kerry, Pell, Biden, and Feingold.

*Subcommittee on International Economic Policy, Export and Trade Promotion:* Senators Thompson (Chair), Thomas, Grams, Ashcroft, Sarbanes, Pell, and Biden.

*Subcommittee on East Asian and Pacific Affairs:* Senators Thomas (Chair), Lugar, Kassebaum, Coverdell, Grams, Robb, Biden, Kerry, and Feinstein.

**REGULATORY REFORM**

*Committee on Governmental Affairs:* Committee held hearings on proposed legislation to reform the regulatory process, to make Government more efficient and effective, receiving testimony from Senators Dole, Nickles, Hutchison, Shelby, and Bond.

Hearings continue tomorrow.

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# House of Representatives

**Chamber Action**

**Bills Introduced:** Fifteen public bills, H.R. 842–856; and three resolutions, H. Con. Res. 24–25 and H. Res. 62, were introduced. Page H1371

**Reports Filed:** The following reports were filed as follows:

H.R. 667, to control crime by incarcerating violent criminals, amended (H. Rept. 104–21, filed on February 6); and

H.R. 668, to control crime by further streamlining deportation of criminal aliens, amended (H. Rept. 104–22, filed on February 6).

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designates Representative Burton of Indiana to act as Speaker pro tempore for today. Page H1285

**Recess:** House recessed at 10:26 a.m. and reconvened at 11:00 a.m. Page H1291

**Question of Privileges of the House:** By a yeand-nay vote of 288 yeas to 143 nays, Roll No. 96, the House agreed to the Arney motion to table an

appeal of the ruling by the Chair that H. Res. 57, to preserve the constitutional role of the House of Representatives to provide for the expenditure of public money and ensure that the executive branch of the United States Government remains accountable to the House of Representatives for each expenditure of public money, did not raise a question of the privileges of the House. **Pages H1298–H1302**

**Victim Restitution Act:** By a yea-and-nay vote of 431 yeas, Roll No. 97, the House passed H.R. 665, to control crime by mandatory victim restitution. **Pages H1302–14**

Agreed to the committee amendment in the nature of the substitute. **Page H1313**

Agreed to the Sanders amendment, as modified by the McCollum amendment, that requires corporations convicted of a white collar crime to notify the victims of that crime. **Pages H1312–13**

H. Res. 60, the rule under which the bill was considered, was agreed to earlier by voice vote. **Pages H1302–06**

**Meeting Hour:** Agreed to meet at 9:00 a.m. on Friday, February 10. **Page H1326**

**Unanimous-Consent Request:** It was made in order that the Speaker at any time may declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of H.R. 729, to control crime by a more effective death penalty, and that the first reading of the bill be dispensed with. All points of order against consideration of the bill shall be waived. General debate shall be confined to the bill and shall not exceed one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate, the bill shall be considered for amendment under the five-minute rule for a period not to exceed 6 hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute ordered reported by the Committee on the Judiciary, and all points of order against the substitute shall be waived. The committee amendment in the nature of a substitute shall be considered as having been read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. **Page H1326**

**Exclusionary Rule Reform Act:** House completed all general debate and began consideration of amendments to H.R. 666, to control crime by exclusionary rule reform; but came to no resolution thereon. Consideration of amendments will resume on Wednesday, February 8. **Pages H1314–41**

Rejected:

The Conyers amendment that sought to limit and codify the "good faith" exception to searches and seizures with warrants later to be found invalid; and to enact the current limited "good faith" exception for searches in which evidence was not excluded if it was retained in a "good faith" reliance on a statute, which was later held to be unconstitutional (rejected by a recorded vote of 138 yeas to 291 noes, Roll No. 98); and **Pages H1323–31**

The Watt amendment in the nature of a substitute that sought to strike provisions applying the "good faith" exception to the exclusionary rule to warrantless searches; and to replace it with the text of the fourth amendment of the United States Constitution (rejected by a recorded vote of 121 yeas to 303 noes, Roll No. 99). **Pages H1332–41**

H. Res. 61, the rule under which the bill is being considered, was agreed to earlier by voice vote. **Pages H1314–16**

**Committees to Sit:** It was made in order that the following committees and their subcommittees be permitted to sit on Wednesday, February 8, during the proceedings of the House under the five-minute rule: Agriculture, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, International Relations, Judiciary, National Security, Resources, Science, and Transportation and Infrastructure. **Page H1341**

**Amendments Ordered Printed:** Amendments ordered printed pursuant to the rule appear on pages H1372–73.

**Quorum Calls—Votes:** Two year-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H1301–02, H1314, H1331, and H1340–41. There were no quorum calls.

**Adjournment:** Met at 9:30 a.m. and adjourned at 10:03 p.m.

## Committee Meetings

### COMMITTEE BUSINESS

*Committee on Agriculture:* Met to consider pending Committee business.

### REFORMING WELFARE SYSTEM

*Committee on Agriculture:* Subcommittee on Department Operations, Nutrition and Foreign Agriculture

held a hearing on reforming the present welfare system. Testimony was heard from Jane L. Ross, Director, Income Security Issues, Health, Education, and Human Services Division, GAO.

Hearings continue tomorrow.

## TRANSPORTATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Transportation held a hearing on the Secretary of Transportation. Testimony was heard for Federico Peña, Secretary of Transportation.

## ADMINISTRATION'S BUDGET

*Committee on the Budget:* Held a hearing on the Administration's Budget Submission for fiscal year 1996. Testimony was heard from Alice M. Rivlin, Director, OMB.

## JOB CREATION AND WAGE ENHANCEMENT ACT; COMMITTEE BUSINESS

*Committee on Commerce:* Began consideration of Title III, Risk Assessment and Cost/Benefit Analysis for New Regulations, of H.R. 9, Job Creation and Wage Enhancement Act.

Will continue tomorrow.

The Committee also considered pending Committee business.

## COMMITTEE OVERSIGHT PLANS; COMMITTEE BUDGET

*Committee on Economic and Educational Opportunities:* Approved the following: Oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight; and the Committee Budget.

## TRAINING ISSUES

*Committee on Economic and Educational Opportunities:* Subcommittee on Postsecondary Education, Training and Life-Long Learning continued hearings on Training Issues. Testimony was heard from Doug Ross, Assistant Secretary, Employment and Training Administration, Department of Labor; Marshall Smith, Under Secretary, Department of Education; Argeo Paul Cellucci, Lieutenant Governor, State of Massachusetts; Peter Calderone, Commissioner of Labor, State of New Jersey; and a public witness.

## OPM RESTRUCTURING

*Committee on Government Reform and Oversight:* Subcommittee on Civil Service held a hearing on restructuring the Office of Personnel Management. Testimony was heard from James B. King, Director, OPM; Diane M. Disney, Deputy Assistant Secretary, Civilian Personnel, Department of Defense; Fernando

Alegria, Associate Executive Director, Office of Administration and Personnel Management, SEC; and from the following former Directors of OPM: Donald Devine and Constance Horner.

## PAPERWORK REDUCTION ACT REAUTHORIZATION; JOB CREATION AND WAGE ENHANCEMENT ACT

*Committee on Government Reform and Oversight:* Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs held a hearing on the following: Reauthorization of the Paperwork Reduction Act; and Title III, Risk and Assessment and Cost/Benefit Analysis for New Regulations of H.R. 9, Job Creation and Wage Enhancement Act of 1995. Testimony was heard from Sally Katzen, Administrator, Office of Information and Regulatory Affairs, OMB; Gene Dodaro, Assistant Comptroller General, GAO; and public witnesses.

## BRIEFING—MILITARY OPERATIONS IN SOMALIA

*Committee on International Relations:* Subcommittee on Africa met in executive session to receive a closed briefing on U.S. Military Operations in Somalia. The Subcommittee was briefed by the following officials of the Department of State: George E. Moose, Assistant Secretary, Bureau of African Affairs; and David Shinn, Director, Office of East African Affairs, Bureau of African Affairs; and the following officials of the Department of Defense: Fred Smith, Principal Deputy Assistant Secretary, International Security Affairs; and Lt. Gen. Howard M. Estes III, USAF, Joint Chiefs of Staff.

## FOREIGN RELATIONS AUTHORIZATION

*Committee on International Relations:* Subcommittee on International Operations and Human Rights held a hearing on 1996–97 Foreign Relations Authorization: Department of State Management Initiatives. Testimony was heard from Richard M. Moose, Under Secretary, Management, Department of State.

Hearings continue tomorrow.

## COMMITTEE OVERSIGHT PLANS

*Committee on the Judiciary:* Approved oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on National Parks, Forests and Lands approved for full Committee action the following bills: H.R. 694, amended, Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995; and H.R. 606, to

amend the Dayton Aviation Heritage Preservation Act of 1992.

### AMTRAK'S FISCAL CRISIS

*Committee on Transportation and Infrastructure:* Subcommittee on Railroads held a hearing on Amtrak's Fiscal Crisis. Testimony was heard from Jolene Molitoris, Administrator, Federal Railroad Administration, Department of Transportation; Kenneth Mead, Director, Transportation Issues, GAO; and Thomas Downs, President, National Railroad Passenger Corporation (Amtrak).

### WATER RESOURCES DEVELOPMENT ACT

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing on the Water Resources Development Act of 1995. Testimony was heard from public witnesses.

### ADMINISTRATION'S BUDGET PROPOSALS

*Committee on Ways and Means:* Held a hearing on the Administration's fiscal year 1996 budget proposals. Testimony was heard from Robert E. Rubin, Secretary of the Treasury.

Hearings continue tomorrow.

### MEDICARE RELATED ISSUES

*Committee on Ways and Means:* Subcommittee on Health continued hearings on Medicare related issues. Testimony was heard from Senators Kerrey and Gregg; and public witnesses.

Hearings continue February 10.

### ALDRICH AMES ESPIONAGE CASE

*Permanent Select Committee on Intelligence:* Met in executive session to hold a hearing on the Aldrich Ames Espionage Case. Testimony was heard from departmental witnesses.

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## COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 8, 1995

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on the Budget,* to hold hearings on the President's fiscal year 1996 budget for the Federal Government, 9:30 a.m., SD-608.

*Committee on Finance,* organizational meeting to consider subcommittee membership; to be followed by hearings to examine proposed tax cuts contained in the President's fiscal year 1996 budget for the Federal Government, 9:30 a.m., SD-215.

*Committee on Governmental Affairs,* to continue hearings to examine regulatory reform issues, 9:15 a.m., SD-342.

*Committee on the Judiciary,* to hold hearings on the nominations of Sandra L. Lynch, of Massachusetts, to be

United States Circuit Judge for the First Circuit, Lacy H. Thornburg, to be United States District Judge for the Western District of North Carolina, Sidney H. Stein, to be United States District Judge for the Southern District of New York, Thadd Heartfield, to be United States District Judge for the Eastern District of Texas, and David Folsom, to be United States District Judge for the Eastern District of Texas, 2 p.m., SD-226.

*Select Committee on Intelligence,* to hold closed hearings on intelligence matters, 2 p.m., SH-219.

### House

*Committee on Agriculture,* Subcommittee on Department Operations, Nutrition and Foreign Agriculture, to continue hearings on reforming the present welfare system, 9:30 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Transportation, on the National Transportation Safety Board, 10 a.m., 2358 Rayburn.

*Committee on Commerce,* to continue markup of Title III, Risk Assessment and Cost/Benefit Analysis for New Regulations of H.R. 9, Job Creation and Wage Enhancement Act, and to consider the Committee budget, 1 p.m., 2123 Rayburn.

Subcommittee on Energy and Power, oversight hearing on the Department of Energy's proposed Budget for fiscal year 1996, 10 a.m., 2322 Rayburn.

*Committee on Economic and Educational Opportunities,* Subcommittee on Employer-Employee relations, hearing on Removing Impediments to Employee Participation/Electromotion, 9:30 a.m., 2175 Rayburn.

*Committee on Government Reform and Oversight,* Subcommittee on National Growth, Natural Resources and Regulatory Affairs, to mark up the following: Reauthorization of the Paperwork Reduction Act; and H.R. 450, Regulatory Transition Act of 1995, 9 a.m., 2154 Rayburn.

*Committee on House Oversight,* to consider pending business, 11 a.m., 1310 Longworth.

*Committee on International Relations,* Subcommittee on International Operations and Human Rights, to continue hearings on 1996-97 Foreign Relations Authorization: International Organizations, Conferences, and Commissions, 9 a.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on Immigration and Claims, to hold an organizational meeting; followed by an oversight hearing on the management practices of the Immigration and Naturalization Service, 9:30 a.m., 2226 Rayburn.

*Committee on National Security,* hearing on the fiscal year 1996 National Defense authorization request, 9:30 a.m., and 1:30 p.m., 2118 Rayburn.

*Committee on Resources,* to mark up the following bills: H.R. 402, to amend the Alaska Native Claims Settlement Act; H.R. 421, to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region; H.R. 715, Sea of Okhotsk Fisheries Enforcement Act; H.R. 716, to amend the Fishermen's Protective Act; H.R. 541, to reauthorize the Atlantic Tunas Convention Act of 1975; H.R. 622, to implement the Convention on Future Multilateral Cooperation in the

Northwest Atlantic Fisheries; H.R. 535, to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; H.R. 584, to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa; and H.R. 614, to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, 11 a.m., 1324 Longworth.

*Committee on Rules*, to consider the following: Committee Budget; H.R. 667, Violent Crime Incarceration Act of 1995; and H.R. 668, Criminal Alien Deportation Improvement Act of 1995, 3 p.m., H-313 Capitol.

*Committee on Science*, to mark up H.R. 655, Hydrogen Future Act of 1995; and Title II, Risk Assessment and Cost/Benefit Analysis for New Regulations of H.R. 9, Job Creation and Wage Enhancement Act of 1995; and to consider oversight plans for the 104th Congress for submission to the Committee on Government Reform and

Oversight and the Committee on House Oversight, 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Surface Transportation, hearing on legislation to approve the National Highway System and Ancillary Issues relating to Highway and Transit Programs, 10:30 a.m., 2167 Rayburn.

*Committee on Ways and Means*, to continue hearings on the Administration's fiscal year 1996 budget proposals, 10 a.m., and to mark up the following: Oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight; Budget recommendations for the report to the Committee on the Budget; Committee Budget; and H.R. 697, to amend the Internal Revenue Code of 1986 to restore, for taxable years beginning in 1994, the deduction for the health insurance costs of self-employed, 1 p.m., 1100 Longworth.

*Next Meeting of the SENATE*

9:15 a.m., Wednesday, February 8

## Senate Chamber

**Program for Wednesday:** After the recognition of one Senator for a speech and the transaction of any morning business (not to extend beyond 9:30 a.m.), Senate will continue consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment, with a vote on a motion to table the Daschle motion to commit to occur thereon.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

11 a.m., Wednesday, February 8

## House Chamber

**Program for Wednesday:** Complete consideration of H.R. 666, Exclusionary Rule Reform Act; and Consideration of H.R. 729, Effective Death Penalty Act (open rule, 1 hour of general debate).

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